

I. INTRODUCTION

U.S. federal law restricts the export of certain goods (or items), technology, data, services, and the import or re-importation of certain goods, items, or technology. These laws affect all fields of science, engineering, and math, and they apply to Universities, industry, and to individuals. An “[Export](#)” occurs when there is a transfer or shipment of items/information out of the U.S., the electronic transmission of this information out of the U.S. (e.g., fax, email, phone), or the provision of specific services to a foreign national (except for green card holders). The Export can also occur even if the foreign national is located in the United States, *i.e.*, “[Deemed Export](#),” (e.g., lab tours, presentations, discussions). Thus, when research or educational activities may involve providing technology, data, or services to foreign nationals in the U.S. or abroad, the Mines’ community needs-to-know whether the export control laws and regulations apply in the situation. This primer is available for the Mines’ community to assist in identifying the steps to take with any possible Export, including which agency has jurisdiction, what license requirements may apply, and how to proceed when faced with these questions and others. Though this is a complex area of the law and applicability, there are many units available to work with the Mines’ community supporting all Mines’ efforts in research, teaching, and service.

A. Why do Export control laws exist?

U.S. Export Control laws were enacted for several reasons, including the following:

- 1) protect **national security** (curtail exports of militarily significant items and technologies to U.S. adversaries) and prevent the proliferation of weapons of mass destruction (WMD) and abuse of conventional weapons by governments and non-state actors;
- 2) **combat crime, terror**, and avoid illegitimate transfers of military and dual-use/End Use equipment and technology so that they are not abused or violate human rights;
- 3) provide mechanism to **sanction or embargo states to put economic pressure on governments** to change their policies and restrict the capacity to pursue policies; and
- 4) preserve **U.S. economic competitiveness**.

See also [15 CFR 730.6](#) .

The U.S. is not the only country to have export laws; so the Mines community also should be aware of entering and exiting countries and exporting items, services, technology and the like among other nations.

B. Why Exports may matter to Mines/you?

Export Control laws, regulations, and requirements may apply to both the University and to you personally; thus, if you do any of the following activities you need to recognize the applicability of such laws, including:

- 1) Perform Research;
- 2) Teach at Mines, other US locations, or abroad;
- 3) Travel abroad;
- 4) Ship/Share any item or materials (physically or electronically), software or information globally;
- 5) Pay someone abroad for items, materials services, expenses, etc.; or
- 6) Demonstrate technology that is not yet public to foreign nationals, etc.

Beyond the local concerns to the University and to you, violations of the export control laws can cause injury to the United States due to the release of dangerous items or knowledge. The improper release of

such may be punishable by fines (individually or to an organization) or imprisonment, as seen later in this manual.

C. How to Get Help @ Mines

This manual and the offices of Research Administration (303-273-3411, ora@mines.edu), Compliance (303-384-2236, compliance@mines.edu) and Legal Services (303-273-3325) are available to assist you at any time. Additionally, there are many on-line resources, though many of the U.S. Government websites are geared toward commercial entities and listing at the Mines' export control webpage @ <http://inside.mines.edu/Export-controls>.

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